

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Thomas Marian

Serial No.: 10/564,121

Examiner: Kudla, J.

Filing Date: May 23, 2006

Art Unit: 1611

For: PHARMACEUTICAL FORMULATION

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This paper is submitted in response to the Restriction Requirement mailed February 29, 2008.

The Office has required restriction among the pending claims as follows:

Group I, claims 11-13 and 20-23, drawn to the composition as recited in the claims,

Group II, claims 14, 16, and 25-28, drawn to the method of reducing or inhibiting chemical interaction as recited in the claims,

Group III, claims 15 and 24, drawn to the method of inhibiting chemical degradation as recited in the claims,

Group IV, claim 18, drawn to the method of treating asthma and other conditions as recited in the claim, and

Group V, claim 19, drawn to the process of preparing a pharmaceutical preparation as recited in the claim.

Applicant elects without traverse Group III (claims 15 and 24), drawn to the method of inhibiting chemical degradation as recited in the claims. Applicants reserve the right to file one or more divisional applications to the non-elected subject matter.

The Office has also required election of species of active ingredient represented in the instant specification. Applicant elects 3-(4-((2R)-2-hydroxy-2-[4-hydroxy-3-(hydroxymethyl)phenyl]ethyl)amino)hexyl]oxy)-butyl)benzene-sulfonamide, or salts, solvates, or physiologically acceptable derivatives thereof. The compound is specifically

disclosed on page 14 of the specification. All pending claims encompass the elected species.

Applicant believes that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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Date: March 24 2008
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